



Via ECF

November 3, 2023

Hon. Arun Subramanian
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007
(212) 805-0238

Re: Convergen Energy LLC et al. v. Brooks et al., No. 20-cv-3746 (AS)

Dear Judge Subramanian:

We are writing in response to the Court's (the Honorable Lewis J. Liman, presiding) April 4, 2022 Order (ECF No. 177) requesting periodic updates on the arbitration that is proceeding while this litigation is stayed. The parties are participating in an omnibus arbitration pending as American Arbitration Association Case No. 01-20-0014-8891 before a three-arbitrator panel. Since our last update on May 3, 2023, the parties have substantially completed fact depositions and are engaged in expert discovery. A Final Hearing for this matter has not yet been set. Counsel for the Plaintiffs has approved this joint letter.

Respectfully,

A handwritten signature in black ink that reads 'Ryan M. Billings'.

KOHNER, MANN & KAILAS, S.C.

Ryan M. Billings

RMB

cc: All Counsel of Record via
ECF

The parties should provide another update by January 31, 2024, or after a decision in the arbitration has been rendered (whichever comes first).

SO ORDERED.

A handwritten signature in black ink, likely belonging to Arun Subramanian.

Arun Subramanian, U.S.D.J.
Date: November 3, 2023